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CAT/112

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 438/90

~~TA No.~~

DATE OF DECISION 21.8.1991

Shri B.V. Bhatt _____ Petitioner

Mrs. Sonal D. Vyas _____ Advocate for the Petitioner(s)

Versus

Union of India & Ors. _____ Respondent

Mr. P.M. Raval _____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh : Administrative Member

The Hon'ble Mr. R.C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri B.V.Bhatt,
(Retired Asstt. Collector,
Central Excise, Div-III,
Surat),
Residing at B-6, Shipki
Appartments, Ahmedabad.
(Advocate: Mrs. Sonal D.Vyas)

: Applicant

Versus

1. The Union of India
Through:
Ministry of Finance,
Secretary, General Secretariate,
New Delhi.
2. Under Secretary to the
Government of India,
Department of Revenue,
Ministry of Finance,
New Delhi.
3. Collector,
Central Excise & Customs,
Vadodara.

: Respondents

O R A L O R D E R

O.A./438/90

Date: 21.8.1991

Per: Hon'ble Mr. M.M.Singh

: Judicial Member

1. This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by a retired Assistant Collector of Central Excise against the chargesheet for departmental inquiry ⁿwas framed and when the application was filed the inquiry was being held against him under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965. ^{As M H} This Charge sheet had been framed and the departmental inquiry was being held ⁿ, apparantly his due retirement benefits were not paid to him by the respondents. Hence, this application was filed with relief prayers that the respondents be directed to expedite and conclude the departmental inquiry in a speicific time ^{and H} that the Tribunal

M. M. Singh


should quash and set aside departmental inquiry and that the retiral benefits of the applicant should be released to him.


2. The material fact in the application in para 5(5) is that against the memorandum of charges dated 21.10.1987 issued to the applicant, the applicant had preferred OA/350/89 praying for quashing it and setting it aside. In this Original Application 350/89 the Tribunal had inter alia held that, to ~~conclude from~~ ^{the procedure from} the quotation figuring in the application: "at this stage the ground taken by him for resisting the respondents to hold the departmental inquiry cannot be allowed. This is not a fit case for our interference. The petitioner is free to approach the Tribunal in the event of the outcome of inquiry. With these observations, the petition is disposed of". The order of this Tribunal in OA/350/89 is ~~perused~~ ^{produced in} at page 20. ^{Seeing} The Tribunal's order dated 24.1.1990 in OA/350/89, the ground for filing the said Original Application is that the petitioner has been subjected to ⁿ ~~any~~ departmental inquiry which is being held against him for certain alleged irregularities and default committed by him when he was exercising his judicial authority for which departmental action cannot be taken. The Tribunal had examined the contentions of the applicant and by the order dated 24.1.1990 ^{held} ~~to holding~~ that it was not a fit case for interference and the petitioner is free to approach the Tribunal in the event of the outcome of the inquiry yielding any cause of action with the jurisdiction of this Tribunal. Seeing the reliefs and the averments ^{herein,} in the application, it is crystal clear that a second ^{has been} application, filed on the subject on which the Tribunal

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had already given its decision, Such an application cannot be maintained. We have heard Mrs. Sonal D. Vyas, learned counsel for the applicant and Mr. E. S. Samuel for Mr. P. M. Ravak, learned counsel for the respondents.

3. In view of the above, the application is dismissed. In the circumstances, there ~~are~~ no order as to costs.


(R.C. Bhatt)
Judicial Member


(M.M. Singh)
Administrative Member

a.a.b.